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C O N F I D E N T I A L HANOI 000286

E.O. 12958: DECL: 03/30/2019

TAGS: [KIRF](#) [PHUM](#) [VM](#)

SUBJECT: HANOI COURT REJECTS CATHOLICS' APPEAL

REF: A. A) 2008 HANOI 1093

[1](#)B. B) HO CHI MINH CITY 158

Classified By: A/DCM Brian Aggeler, reasons 1.4 (b) and (d)

[1](#)1. (SBU) Summary: With hundreds of Roman Catholics rallying outside the courthouse and a very heavy police presence, a Hanoi court on March 27 upheld the December 2008 convictions of eight Thai Ha parishioners on charges of property damage and disturbing public order during vigils in protest over disputed land. PolCouns, along with Swedish, Swiss and Czech diplomats, was permitted to observe the proceeding via television monitor in an adjoining room. Despite a vigorous defense and spirited testimony by the parishioners, the five-hour trial ended with a fifteen minute break for deliberation before the guilty verdict was upheld. End summary.

[1](#)2. (SBU) The eight defendants had been convicted of knocking down a section of a wall during peaceful protests on land once attached to the Thai Ha church in Hanoi in August 2008 (Ref A). Seven had received suspended prison terms and one was given a warning.

Unanswered Question: Where's Lawyer Luat?

[1](#)3. (SBU) In the March 27 appeal trial, the defense argued that the trial should not proceed without the participation of lead defense attorney Le Tran Luat, who was prevented from attending the trial by security personnel in Ho Chi Minh City (Ref B). After several aborted attempts by Luat to travel to Hanoi, the Ninh Thuan provincial Bar Association revoked his law firm's license on March 23, alleging tax and administrative irregularities in the operations of his branch offices. Luat has denied the violations.

[1](#)4. (SBU) Lead Judge Nguyen Quoc Hoi said Luat had been informed of the trial date and given all the necessary paperwork to represent his clients. Despite repeated questions from the defense, Hoi would not directly address the issue of why Luat was not present and finally, in an unusually candid moment, declared that Luat's absence would have no bearing on the outcome of the trial.

Praying for Authorities to See the Light...

[1](#)5. (SBU) The Court called witnesses who cited complaints by neighbors about the traffic jams and noise caused by the church land protests, which they alleged had made it impossible for children to study or workers to do their jobs. The Defense complained that it had not been able to call any witnesses of its own, and cited the lack of any solid evidence of the noise level.

[1](#)6. (SBU) The Defense argued that the total damage to the wall had been estimated at approximately three million dong (about USD 180) so it was hardly worth trying eight people for it. The defendants admitted destroying the three-meter section of wall, but all said they were convinced that it had been illegally built on church property.

[1](#)7. (SBU) The People's Procuracy cited the ordinance against holding religious services outside religious sites to declare

that the church protests had been illegal. The defendants responded that there had been no formal church service, only prayers, which are legal everywhere. Asked what they were praying for, one defendant said they were praying for the government to receive enlightenment.

¶8. (SBU) After the five-hour trial, the panel of three judges and two lay assessors took just fifteen minutes with a verdict upholding the earlier convictions of the eight. Outside, several hundred rallying Roman Catholics waved palm fronds during the trial, but were kept well away from the courthouse by a heavy security presence. When the defendants emerged after the trial they were cheered by the crowd, which was restrained by scores of security personnel.

Trial Rallies Church Supporters

¶9. (C) The court's rejection of the appeal was hardly a surprise. Yet even with the light sentences the defendants received, their standing and support for the church's land claims among fellow Catholics was clearly raised by the appeals trial. The arguments made by the Defense clearly had resonance among the defendants and their fellow Catholics, even if they were largely ignored by the court. That the GVN took major steps to prevent lawyer Luat from attending a trial whose verdict was a foregone conclusion is perhaps an indication of just how much the authorities are worried by the impact of these proceedings and the masses of popular support for the defendants they can generate.

¶10. (U) This cable was coordinated with ConGen HCMC.

MICHALAK